

EXHIBIT "E"

1 IN THE DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 CASE NO. 1:23-cv-23004-WPD

4 JANE DOE, a minor, by and through her
5 mother and next friend, MOTHER DOE,
6 Plaintiff,

7 vs.

8 ACADEMIR CHARTER SCHOOLS, INC., and
9 SUPERIOR CHARTER SCHOOL SERVICES,
10 INC.,
11 Defendants.

12 _____/

13
14
15 DEPOSITION OF MELISSA VALLADARES

16
17 WEDNESDAY, MAY 15, 2024
18 12:02 p.m. - 3:27 p.m.

19 601 BRICKELL KEY DRIVE, SUITE 700
20 MIAMI, FLORIDA

21 - - -

22
23 Reported By:

24 Katiana Louis
25 Notary Public, State of Florida
Miami Office #27402

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I N D E X

Examinations Page

MELISSA VALLADARES

DIRECT EXAMINATION BY MR. MACDONALD 4

E X H I B I T S

No. Description Page

1 Title IX Policies and Procedures: 28
Sex-Based Discrimination and Sexual
Harassment Manual

2 Elementary Code of Student Conduct 34

3 DCF Intake Report 108

1 Thereupon:

2 MELISSA VALLADARES

3 was called as a witness, and having been first
4 duly sworn and responding "Yes," was examined and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MACDONALD:

8 Q. Good afternoon. My name is Kyle
9 MacDonald and I represent Jane Doe in her lawsuit
10 against AcadeMir Charter Schools, Inc., and
11 Superior Charter School Services, Inc. Thank you
12 for being here today.

13 A. Thank you.

14 Q. Can you please start by stating your
15 full name for the record.

16 A. Melissa Valladares.

17 Q. And can you spell your last name for the
18 record please?

19 A. V-a-l-l-a-d-a-r-e-s.

20 Q. Have you ever had your deposition taken
21 before?

22 A. No.

23 Q. Since this is your first deposition,
24 I'll just go over a few things so we're both on
25 the same page.

1 Do you understand that you have been
2 placed under oath and that you have an obligation
3 to testify truthfully here today?

4 A. Yes.

5 Q. The court reporter cannot transcribe any
6 inaudible responses like a gesture or a shrug, so
7 just please be sure to answer verbally as you
8 have been. Okay?

9 A. Okay.

10 Q. And also the court reporter cannot
11 accurately reflect your responses if we speak at
12 the same time. So, I will wait for you to finish
13 your answers. And I just ask that you wait until
14 I finish my questions. Okay?

15 A. Okay.

16 Q. Now, we want to ensure that we get your
17 best testimony in this lawsuit, so if there is
18 any questions that you don't understand or you
19 find confusing, just let me know and I'll be
20 happy to try and rephrase them for you. Okay?

21 A. Okay.

22 Q. Now, on that same note, if you don't say
23 anything, I'll assume you understood the question
24 as asked. Okay?

25 A. Okay.

1 Q. If you need to take a break at any
2 point, to go to the bathroom, get a drink of
3 water, anything like that, just let me know and
4 I'll be happy to do so. Okay?

5 A. Okay.

6 Q. Is there anything that would prevent you
7 from thinking clearly and testifying truthfully
8 here today?

9 A. No.

10 Q. Now, for the purposes of today's
11 deposition, I'll refer to AcadeMir Charter
12 Schools, Inc., just as AcadeMir if that's okay
13 with you.

14 A. That's okay.

15 Q. I'll also refer to my client, who is a
16 minor as "Jane" to help protect her identity if
17 that is okay with you.

18 A. Okay.

19 Q. What did you do to prepare for today's
20 deposition?

21 A. I met with the attorney Julie.

22 Q. Aside from speaking with the attorney
23 Julie, did you speak with anyone else about your
24 deposition here today?

25 A. No.

1 Q. Did you speak to Susie Bello about your
2 deposition here?

3 A. That I was going to be here and not at
4 work today.

5 Q. And when was that conversation?

6 A. When I received the notice with the date
7 and time.

8 Q. Have you spoken with Susie Bello in the
9 last two days?

10 A. Yes.

11 Q. And did you discuss your deposition
12 today?

13 A. No, just the time and date that I was
14 going to be out of work.

15 Q. Did you speak to anyone else from
16 AcadeMir about your deposition today?

17 A. No.

18 Q. Did you review any documents prior to
19 your deposition today?

20 A. There was a complaint document that I
21 was provided.

22 Q. And did you review any other documents
23 aside from the complaint in this case?

24 A. Not that I remember. I believe that was
25 the attachment.

1 Q. What's your current address?

2 A. 14880 Southwest 26th Street, Miami,
3 Florida 33196.

4 Q. And how long have you lived at that
5 address for?

6 A. For four or five years.

7 Q. Have you ever been arrested before?

8 A. No, never.

9 Q. Have you ever been a party to a civil
10 lawsuit before?

11 A. No, never.

12 Q. Have you ever been a witness to any
13 other lawsuit before?

14 A. No, never.

15 Q. Did you attend college?

16 A. I did.

17 Q. Where did you attend college?

18 A. Miami-Dade and Barry University.

19 Q. And what did you go to Miami-Dade for?
20 What degree specifically?

21 A. What degree did I earn? I earned an
22 associate's in early childhood education and an
23 associate's in elementary education.

24 Q. And when was that that you earned that
25 degree?

1 A. I believe it to be 2004. I believe it
2 was 2004.

3 Q. And then you said you went to Barry
4 University?

5 A. Maybe I was wrong. Maybe it was 2002.
6 I did go to Barry as well. I don't remember when
7 I graduated. It was a really long time ago.

8 Q. And what degree did you earn at Barry?

9 A. Elementary K through 6 with ESOL
10 endorsement and I also attended Barry University
11 for my master's degree.

12 Q. What did you get your master's degree
13 in?

14 A. Educational leadership.

15 Q. Do you have any professional
16 certifications?

17 A. My professional and my teaching
18 certificate. When I was in Miami-Dade College, I
19 also earned the DCF requirement hours when I was
20 earning my associate's in early childhood. I
21 believe that's it.

22 Q. And what are the DCF requirement hours?

23 A. It's like a 20-hour course so that you
24 can take care of early childhood students.

25 Q. And that was a course taught by

1 Miami-Dade College?

2 A. Correct.

3 Q. What kind of topics did that training
4 cover, if you recall?

5 A. I don't necessarily recall. That was
6 over 20 years ago.

7 Q. Are you a member of any professional
8 organizations?

9 A. NSTA, which is the National Science
10 Teachers Association. I've been a part of the
11 Dade Reading Council and that's about it.

12 Q. Where do you currently work?

13 A. AcadeMir Charter School West.

14 Q. And what do you do at AcadeMir?

15 A. I'm the assistant principal.

16 Q. And what are your roles and
17 responsibilities as assistant principal at
18 AcadeMir?

19 A. Day-to-day operations when it comes to
20 teachers, students, families, and stakeholders.

21 Q. Who do you report to in your role as
22 assistant principal?

23 A. Susie Bello.

24 Q. And is Susie Bello the principal of
25 AcadeMir Charter School West?

1 A. That is correct.

2 Q. How long have you been assistant
3 principal for?

4 A. Two years.

5 Q. So, that would be since 2022 roughly?

6 A. Correct.

7 Q. And what job did you perform prior to
8 2022?

9 A. Curriculum.

10 Q. What was your title in curriculum?

11 A. Curriculum coach is how they title it,
12 not PE coach but for curriculum.

13 Q. How long did you hold that role for?

14 A. Since 2016.

15 Q. And what responsibilities do you have as
16 a curriculum coach?

17 A. You support the teachers in the area of
18 curriculum. Curriculum is probably the large
19 umbrella under that.

20 Q. So, what kind of duties would you
21 perform on a day-to-day basis?

22 A. You would meet with teachers to discuss
23 what their lesson plans were, provide them
24 feedback. You were there to support the teachers
25 during the instructional period in areas where

1 they felt they wanted to grow in the profession.

2 Q. And who did you report to in that role?

3 A. During what years because I was there
4 since 2016.

5 Q. So, you reported to more than one person
6 during that time you were curriculum coach?

7 A. Correct.

8 Q. And which individuals did you report to
9 during that time frame?

10 A. Susie Bello. Prior to that Olivia
11 Bernal.

12 Q. Anyone else?

13 A. Report directly? Like top of the
14 schools, those are the principals.

15 Q. And when you reported to Olivia Bernal,
16 what was her title at the time?

17 A. School principal.

18 Q. And do you know if Olivia still works
19 for AcadeMir?

20 A. Yes.

21 Q. And what does Ms. Bernal do?

22 A. I know she's a COO. However, I don't
23 know what -- I don't know what she does.

24 Q. When was the last time you spoke with
25 Ms. Bernal?

1 A. I don't remember. It's not someone that
2 I report to when she's at the school.

3 Q. More than a week ago?

4 A. Possibly. I don't even remember when
5 was the last time I spoke to her.

6 Q. You don't know if you've spoken to her
7 in the past week?

8 A. In the past week, no, I haven't spoken
9 to her.

10 Q. Does Ms. Bernal also work for Superior
11 Charter Schools, Inc.?

12 A. Yes.

13 Q. And what does Ms. Bernal do for
14 Superior?

15 A. I don't know.

16 Q. And what is your understanding of the
17 relationship between AcadeMir and Superior
18 Charter Schools Services, Inc.?

19 A. I would understand it as the operations
20 of the schools they oversee.

21 Q. What does that mean, the operations?

22 A. Grants or allocations of funding for the
23 school, things that need to get purchased.

24 That's what I would understand it as. I'm sure
25 it far exceeds that. It's just not my realm of

1 what I deal with.

2 Q. Do you know who's responsible for
3 handling compliance with state and federal law
4 for AcadeMir?

5 A. Our principal, Susie Bello.

6 Q. And how do you know that she's
7 responsible for that?

8 A. Because she's the top of the school.

9 Q. And does anyone else at AcadeMir handle
10 compliance with state and federal law besides
11 Ms. Bello that you're aware of?

12 A. I guess everyone really. You're a
13 teacher, a certified teacher; so, I think
14 everyone plays a role within compliance as a
15 whole, but not the lead. I would take the lead
16 as the school principal.

17 Q. And do you know who is responsible for
18 handling compliance with state and federal law
19 for Superior Charter School Services, Inc.?

20 A. No, I don't know.

21 Q. Do you know what Title IX is?

22 A. Yes.

23 Q. And what is your understanding of
24 Title IX?

25 A. It's what protects someone from

1 discrimination.

2 Q. And where did you learn that?

3 A. It's something that is spoken about at
4 the school, at the opening of our schools.

5 Q. Title IX is spoken about at the opening
6 of schools?

7 A. When it talks about Title IX
8 specifically, I don't know exactly what was said
9 verbatim. In the sense of discrimination and
10 how -- and what that looks like, yes. There's a
11 training that we take.

12 Q. And when you say the opening of a
13 school, does that mean like the start of the
14 school year annually?

15 A. Correct.

16 Q. And is that part of a meeting that takes
17 place with staff and faculty?

18 A. Yes.

19 Q. And what is that meeting called?

20 A. Opening of school.

21 Q. And is that held at a particular
22 location each year?

23 A. Yes.

24 Q. And where was it held most recently?

25 A. Miami-Dade College.

1 Q. And when did that take place that
2 meeting?

3 A. Are you asking me for a date, like a
4 date?

5 Q. Yes, if you could estimate roughly even
6 the month that it took place.

7 A. August.

8 Q. August of 2023?

9 A. Correct.

10 Q. And at that opening of schools, Title IX
11 specifically was not discussed but you said
12 discrimination generally was?

13 A. I'm not sure exactly if the language
14 "Title IX" was used. I don't remember. But yes,
15 what the -- as far as discrimination and how to
16 report something of safety it was discussed
17 during the opening of schools.

18 Q. And who discussed it specifically at
19 that training?

20 A. Susie Bello.

21 Q. And do you recall what Ms. Bello said
22 specifically about the responsibilities relating
23 to discrimination?

24 A. That we're all mandatory reporters.

25 Q. And what is that, mandatory reporters?

1 A. The obligation of someone at the school.

2 Q. Obligation to do what?

3 A. To report anything that we suspect of
4 abuse, neglect, or abandonment of a child.

5 Q. Did Ms. Bello discuss anything
6 specifically other than being mandatory reporters
7 at the training?

8 A. I don't remember.

9 I know we take an additional training
10 through ADP for harassment.

11 Q. And that training that you mentioned is
12 that done on an annual basis or is that a
13 one-time training?

14 A. Annually.

15 Q. And is that a training that is done in
16 person or online?

17 A. Online.

18 Q. And that's a training given by ADP, the
19 payroll company, I'm guessing?

20 A. They go beyond payroll, but yes, you're
21 correct.

22 Q. When did you last take that training?

23 A. May I give you a month?

24 Q. Yes, if you can only recall the month.

25 A. August.

1 Q. And that would be August of 2023?

2 A. It would be either August or July, but I
3 believe it to be in August. That is correct.

4 Q. And did you conduct that training at
5 home by yourself because it was done online?

6 A. No, sir, that's done at school.

7 Q. When you say it's done at school, is it
8 a group activity where everyone does the training
9 at the same time?

10 A. No, everyone goes into their classroom
11 or their office space and they conduct it on the
12 computer.

13 Q. And at the end of this training, did you
14 receive a certificate or something similar?

15 A. Yes.

16 Q. And did you have to do anything with
17 that certificate?

18 A. Provide it to Ms. Bello.

19 Q. What topics were covered as part of that
20 training?

21 A. It's a lot of different scenarios of
22 what might appear to happen and how would be --
23 or what -- what would be the best approach to
24 solve something that might be happening.

25 Q. Did that training cover Title IX

1 specifically?

2 A. Yes.

3 Q. And what did that training address about
4 Title IX?

5 A. Again, it was just different scenarios
6 that might be present, that might appear, that
7 might happen. That might happen.

8 Q. And did the training say anything in
9 regards to AcadeMir's obligations relating to
10 Title IX in those scenarios?

11 A. I don't understand the question.

12 Q. Well, you said that the training covers
13 specific scenarios; correct?

14 A. Correct.

15 Q. And it also covered Title IX; is that
16 right?

17 A. Correct.

18 Q. So, what kinds of scenarios involving
19 Title IX were covered?

20 A. Specific scenarios, I wouldn't even be
21 able to recall specifics because it was a lot of
22 different scenarios. However, through those
23 scenarios it would help the person be able to
24 identify the problem at stake and be able to
25 resolve the issue.

1 Q. And how long was that training roughly?

2 A. That's a good question. I think an
3 hour. I believe it to be an hour. I'm not sure
4 though.

5 Q. Have you received any other training
6 related to Title IX that we haven't discussed
7 already while you've been at AcadeMir?

8 A. Not that I recall.

9 Q. Does AcadeMir have Title IX policies?

10 A. Yes.

11 Q. What are those policies?

12 A. If you suspect or have any kind of
13 reason to believe that a complaint warrants
14 something greater of, you know, I guess
15 discussion, of sorts, I would just discuss that
16 with my school principal.

17 Q. And where did you learn that information
18 from?

19 A. Ms. Bello.

20 Q. Did Ms. Bello explain that in one of
21 these start -- I don't remember the term you
22 used -- opening of schools trainings or was this
23 something separate?

24 A. No, in our opening of schools we're told
25 we can go to HR or Ms. Bello with anything that

1 we would feel warrants a conversation.

2 Q. So, you learned what you just described
3 in something separate with Ms. Bello?

4 A. Just with Ms. Bello.

5 Q. What do you mean?

6 A. In our opening of schools, you mean?

7 Q. Well, a moment ago you were just
8 describing AcadeMir's Title IX policy. So, I was
9 asking if you learned that information
10 specifically at the opening of schools training
11 or if that was a separate conversation or
12 training with Ms. Bello.

13 A. Sorry, I misunderstood. It was said by
14 Ms. Bello in our opening of schools.

15 Q. Thank you for clarifying.

16 Does AcadeMir have any written Title IX
17 policies?

18 A. I know there's a whole binder of
19 policies. I'm sure there is a policy for all
20 kinds of things. And I'm sure that includes
21 Title IX. However, my level of work would only
22 stop at -- when I report it to Ms. Bello.

23 Q. So, you don't know for a fact if there
24 is any written Title IX policies for AcadeMir?

25 MS. KARRON: Objection to the form.

1 Misstates prior testimony.

2 THE WITNESS: I'm sorry.

3 MS. KARRON: I'll be objecting
4 during the deposition, but you can feel
5 free to ignore me unless I tell you not
6 to answer.

7 THE WITNESS: Okay.

8 MR. MACDONALD: Can you read back
9 the question?

10 (Whereupon, the requested portion
11 of the record was read by the reporter.)

12 MR. MACDONALD: Unless she
13 instructs you not to answer, you have to
14 answer the question.

15 THE WITNESS: I don't understand
16 what to do. Do I answer it?

17 BY MR. MACDONALD:

18 Q. Yes.

19 A. Do I know if there are policies, yes,
20 there are policies in place.

21 Q. And have you ever seen these written
22 Title IX policies?

23 A. There's policies that go home in the
24 section of discrimination to parents in a
25 handbook.

1 Q. And what is that handbook called?

2 A. I believe it's the parent student
3 handbook. It might just be parent handbook. I'm
4 not sure if it says both titles or just one.

5 Q. Have you ever seen any other written
6 Title IX policies besides the ones in that
7 handbook you just mentioned?

8 A. I know that it's in the policy binder in
9 Ms. Bello's office.

10 Q. And how do you know that?

11 A. It says policies.

12 Q. Have you reviewed this policy binder
13 before?

14 A. No, I only refer to the policy binder if
15 needed.

16 Q. Then how do you know that there is a
17 policy binder that contains Title IX policies?

18 A. Because all of our policies are inside
19 this policy binder.

20 Q. Has anyone ever told you that there is a
21 Title IX policy contained in a binder that
22 Ms. Bello has?

23 A. All of our policies are in the binder.

24 Q. Has anyone ever told you that there is a
25 binder containing these Title IX policies?

1 A. Ms. Bello.

2 Q. When did Ms. Bello tell you that?

3 A. When we start our trainings.

4 Q. What trainings?

5 A. Trainings for our school at the
6 beginning of the school year.

7 Q. And is that the opening of schools
8 meeting you were referring to or something
9 different?

10 A. We go through different meetings with
11 just administration.

12 Q. And in which meeting did Ms. Bello tell
13 you there was a binder containing Title IX
14 policies?

15 A. I don't remember.

16 Q. Do you remember any meeting in which
17 Ms. Bello told you about a binder containing
18 Title IX policies?

19 A. Specifically, I don't remember.

20 Q. When did Ms. Bello tell you there was a
21 binder containing Title IX policies?

22 A. Our instructions for policies are always
23 referred in reference to a binder that is in the
24 office.

25 Q. But when did Ms. Bello specifically tell

1 you about this binder containing Title IX
2 policies?

3 A. I don't know.

4 Q. Was anyone else present when Ms. Bello
5 told you there was a binder containing Title IX
6 policies?

7 A. I don't recall.

8 Q. What do you recall about the
9 conversation with Ms. Bello where she told you
10 this?

11 A. That we have a binder with all the
12 policies of our school.

13 Q. And in that conversation she mentioned
14 Title IX specifically?

15 A. I don't recall.

16 Q. Did Ms. Bello ever explain what those
17 policies were specifically?

18 A. I don't understand.

19 Q. Well, you testified that Ms. Bello
20 informed you that there are binders containing
21 these policies including Title IX policies;
22 correct?

23 A. Correct.

24 Q. And during that conversation did
25 Ms. Bello explain what specifically those Title

1 IX policies addressed?

2 A. No, I don't recall. I know that if I
3 need to report anything whether it's from
4 student, teacher, a staff member, I would tell
5 her or my HR.

6 Q. And when you say HR who are you
7 referring to?

8 A. Human resources.

9 Q. Is there a particular person that
10 handles human resources?

11 A. Her name is Xenia.

12 Q. Is Xenia an employee of AcadeMir Charter
13 Schools?

14 A. I believe so.

15 Q. And do you know what Xenia's title is?

16 A. HR.

17 Q. What is the procedure for handling Title
18 IX complaints for employees at AcadeMir?

19 A. I don't know. I know what it is for me.

20 Q. And what is that process?

21 A. I speak to Ms. Bello or I speak to HR.

22 Q. And what happens after that?

23 A. I don't know.

24 Q. Have you ever received a Title IX
25 complaint?

1 A. No.

2 Q. Does AcadeMir have any policies in place
3 regarding sexual harassment?

4 A. I'm sure.

5 Q. Do you know for a fact that AcadeMir has
6 policies in place for sexual harassment?

7 A. It's part of our training.

8 Q. Which training?

9 A. The one that we take on ADP.

10 Q. Now, that ADP training, is that created
11 specifically for AcadeMir?

12 A. I don't know.

13 Q. Did that training address anything
14 specific to AcadeMir like let's say the name of
15 employees?

16 A. No.

17 Q. Have you ever received a complaint of
18 sexual harassment?

19 A. No.

20 Q. Do you know of anyone at AcadeMir who
21 has ever received a complaint of sexual
22 harassment?

23 A. Not that I am aware of.

24 Q. Have you ever received a complaint
25 regarding discrimination?

1 A. No.

2 Q. Do you know of any employees at AcadeMir
3 who have received complaints of discrimination?

4 A. Not that I am aware of.

5 Q. Besides what is contained in that ADP
6 training, are you aware of any other written
7 policies for AcadeMir regarding sexual
8 harassment?

9 A. I don't know.

10 MR. MACDONALD: I'd like to show
11 you a document. Give me a moment. I'll
12 show you this document here we'll go
13 ahead and mark it as Exhibit 1.

14 (Plaintiff's Exhibit No. 1 was
15 marked for identification.)

16 BY MR. MACDONALD:

17 Q. I'll give you a moment to review.

18 MS. KARRON: Could you please
19 explain what you're showing the witness.

20 MR. MACDONALD: It's a document,
21 Title IX. Policies and Procedures:
22 Sex-Based Discrimination and Sexual
23 Harassment Manual.

24 MS. KARRON: Thanks.

25 THE WITNESS: Are you wanting me to

1 read this verbatim word for word, the
2 whole handbook?

3 BY MR. MACDONALD:

4 Q. No, I just want to give you a moment to
5 review the document and I'll ask you questions
6 about it.

7 A. Like a graded quiz? Do I need to
8 memorize the information?

9 Q. No, I just want to give you the
10 opportunity to review it briefly.

11 A. Can I reference the document while
12 you're talking to me?

13 Q. Yes.

14 A. Okay.

15 Q. Do you recognize that document?

16 A. It's not a document that I would see on
17 a day to day, but I'm sure it's at the school.

18 Q. Have you ever seen that document before?

19 A. Not that I recall, no.

20 Q. Do you know who the Title IX coordinator
21 is for AcadeMir?

22 A. Ms. Mir, Xenia Mir, who is our HR
23 person, the same one I referenced earlier.

24 Q. Were you aware of that prior to
25 reviewing that document?

1 A. The extra title of coordinator, no. I
2 know that she's the person I would go to, so I
3 guess you would say, coordinator. I just know
4 her as HR. I also said earlier I didn't know her
5 title. I just know her as HR.

6 Q. Now, I want to draw your attention to
7 the fourth page, I believe. They're not
8 numbered. But on that page you'll see "Sexual
9 Harassment" under "Title IX" in blue text.

10 A. I'm sorry. Where? There is no blue
11 text.

12 Q. There should be a subheading under -- it
13 should be the title page and then one, two, three
14 pages?

15 A. You said fourth. That's why I didn't
16 get there.

17 Q. Now, do you see the top of that page
18 there is a reference to an online complaint form?

19 A. That's correct.

20 Q. Do you know what that complaint form is?

21 A. I'm sure it's online.

22 Q. Have you ever seen that complaint form
23 before?

24 A. Never had to fill it out, so no.

25 Q. Have you ever received training related

1 to filling out that form?

2 A. On how to fill out a form? Forms are
3 usually self-explanatory. We never get trained
4 on filling out forms.

5 Q. And then I want to draw your attention
6 to the next page. And there is a section --

7 A. I'll come back to that later. Where am
8 I going?

9 Q. On the next page, there is a section
10 titled "How does AcadeMir Charter Schools respond
11 to reports of sexual harassment?"

12 A. Okay.

13 Q. Do you see that?

14 A. Yes.

15 Q. I'll give you a moment to review that
16 section.

17 A. May I go to the next page to finish?

18 Q. Yes.

19 A. Okay.

20 Q. Is that section an accurate statement
21 regarding how AcadeMir Charter Schools responds
22 to reports of sexual harassment?

23 A. Yes.

24 Q. And in that section do you see there's a
25 reference to the term "supported measures"?

1 A. With the asterisk that the respondent
2 has an equal right to supportive measures? That?

3 Q. Do you know what the term "supportive
4 measures" means in that context?

5 A. Within what context? The policy?

6 Q. Do you know what the term "supportive
7 measures" means within the context of AcadeMir's
8 policies?

9 A. Well, you would have to look at the case
10 for what it is because it depends on -- it has
11 many variables.

12 Q. And what particularly could those
13 supportive measures be?

14 MS. KARRON: Objection. Calls for
15 speculation.

16 BY MR. MACDONALD:

17 Q. Based on your experience, what kind of
18 supportive measures are available under
19 AcadeMir's policies?

20 A. Again, I would think that it would
21 depend on the case at hand. There's some
22 limitations to a school, equally that there are a
23 lot of things that the school can do depending on
24 what the case is.

25 Q. What kinds of things can a school do

1 depending on a case?

2 A. Depends on the case.

3 Q. What does it depend on?

4 A. The case. Are you talking about sexual
5 harassment or are you talking about harassment?

6 Q. Well, what would it depend on in cases
7 of sexual harassment?

8 A. The students, their schedule, their age.

9 Q. Have you ever received any training
10 related to supportive measures for Title IX
11 purposes or sexual harassment purposes?

12 A. I don't recall.

13 Q. Have you ever had to offer supportive
14 measures to any AcadeMir students in response to
15 a claim of sexual harassment?

16 A. No.

17 Q. Have you ever had to offer supportive
18 measures to an AcadeMir student in response to a
19 complaint of discrimination?

20 A. No.

21 Q. Now, I want to draw your attention to
22 the next page in the section titled "Student
23 Parent Complaints."

24 A. Am I supposed to be reading it?

25 Q. Yes. I'll give you a moment to review

1 the section titled "Student Parent Complaints."

2 Have you had a chance to review?

3 A. Yes.

4 Q. Do you see in that section there's a
5 reference to the Miami-Dade County Public Schools
6 Code of Student Conduct?

7 A. Correct.

8 Q. Are you familiar with that document?

9 A. Yes.

10 Q. And in your experience, does AcadeMir
11 adhere to those policies in the Miami-Dade County
12 Public Schools Code of Student Conduct?

13 A. Yes.

14 MR. MACDONALD: Now, I'll show you
15 another document. You can set that one
16 aside for a moment. We'll mark this as
17 Plaintiff's Exhibit 2.

18 (Plaintiff's Exhibit No. 2 was
19 marked for identification.)

20 MR. MACDONALD: And for the record
21 this document is titled "Elementary Code
22 of Student Conduct."

23 MS. KARRON: Thank you.

24 BY MR. MACDONALD:

25 Q. And I'll give you a moment to just

1 review that.

2 Do you recognize that document?

3 A. Yes.

4 Q. And what is it?

5 A. It's the code of student conduct.

6 Q. Have you ever received training related
7 to this code of student conduct?

8 A. I don't understand the question. Like
9 where we all went through it, page by page?

10 Q. Well, what do you understand the term
11 "training" to mean?

12 A. A review put forth in a gathering to go
13 page by page of this handbook.

14 Q. Okay. And have you ever received
15 training related to this code of student conduct?

16 A. No.

17 Q. Now, I want to draw your attention to
18 the page labeled 43.

19 A. Page Number 43?

20 Q. That's correct.

21 A. Okay.

22 Q. Are you familiar with this section
23 titled "Sexual Harassment"?

24 A. Okay.

25 Q. Are you familiar with this section

1 titled "Sexual Harassment"?

2 A. I'm sure if it was in the handbook.

3 Q. In your experience does AcadeMir adhere
4 to this policy regarding sexual harassment?

5 A. I've never had to experience needing to
6 address sexual harassment as outlined in this
7 statement.

8 Q. Upon an AcadeMir employee receiving a
9 report of an incident that is sexual in nature
10 involving a student, what are employees required
11 to do?

12 A. Tell the principal.

13 Q. They're required to tell the principal
14 you said?

15 A. Yes.

16 Q. Are they required to tell anyone else?

17 A. You would first address your concern
18 with the principal. And then the principal
19 carries guidance and policies throughout.

20 Q. Is there anyone else that an employee
21 can report to regarding one of those incidents
22 besides the principal?

23 A. Can they? I'm sure they can report it
24 to any authority.

25 Q. Is there anyone else that an AcadeMir

1 employee could report to under this policy?

2 A. Xenia.

3 Q. Anyone else besides Xenia and the
4 principal?

5 A. Like an employee, like a teacher, or
6 myself that one would report to at the school?
7 Is that the question? Or are you talking about,
8 like, the authorities such stated here as the
9 Office of Civil Rights Compliance?

10 Q. Can AcadeMir employees report to that
11 Office of Civil Rights Compliance if they receive
12 a report of an incident sexual in nature
13 involving a student based on your experience?

14 A. Can they? Yes.

15 Q. Are they required to?

16 A. Are they required to? I think, sure.
17 We're all mandatory reporters.

18 Q. And what does the term "mandatory
19 reporters" mean in this context specifically?

20 A. In what context?

21 Q. In the context of handling of reports
22 that are sexual in nature?

23 A. What is my requirement?

24 Q. As a mandatory reporter, what are the
25 requirements under the sexual harassment policies

1 as you understand them?

2 A. You would report it. And once you
3 report it, it goes into a different level of
4 jurisdiction that you don't have control over.
5 It goes somewhere else.

6 Q. And when you say mandatory reporter,
7 that means an employee is required to make that
8 report; is that right?

9 A. Correct.

10 Q. What kinds of reports are you required
11 to do for that mandatory reporting?

12 A. In the event where there was sexual
13 harassment, in the event that you suspect abuse,
14 neglect, or abandonment.

15 Q. Now, in this policy there is also
16 reference to the term SPAR, do you see that?

17 A. Uh-huh.

18 Q. Do you know what the term SPAR means?

19 A. Like its acronym broken down? No.

20 Q. Do you know what it is generally?

21 A. Sure.

22 Q. What is it?

23 A. It's the level in which we document.

24 Q. What do you mean the level in which you
25 document?

1 A. I believe it to be the -- like an
2 investigation, and within that investigation
3 there is documentation, like forms that you need
4 to complete.

5 Q. Have you ever filled out one of those
6 forms before?

7 A. No.

8 Q. Now, I want to draw your attention to
9 page 83. Do you see the section titled "Sexual
10 Harassment" and then there is a box containing
11 some text?

12 A. Yes.

13 Q. I'll give you a moment to review that
14 section.

15 A. Okay.

16 Q. In your experience, does AcadeMir
17 utilize this definition of "sexual harassment"?

18 A. Yes.

19 Q. And in this section do you see where it
20 says, "Examples may include but are not limited
21 to unwelcome touching, graphic verbal comments,
22 sexual jokes, slurs, gestures, or pictures
23 whether in-person or through any other method,
24 including sexual or cyber-harassment"?

25 A. Yes, I see it there.

1 Q. And do you see towards the bottom where
2 it says, "Example, a student was suspended for
3 sexual harassment because he repeatedly talked
4 about a female student's private parts making her
5 feel uncomfortable"?

6 A. Yes, I see it.

7 Q. Now, I want to draw your attention to
8 the next page, 84, to a section titled "Sexual
9 Offenses (Other)."

10 Did you get a chance to review?

11 A. Yes.

12 Q. In your experience does AcadeMir utilize
13 this definition of "Sexual Offenses (Other)"?

14 A. Yes.

15 MS. KARRON: Objection to form.

16 BY MR. MACDONALD:

17 Q. And in that section, do you see there
18 are several examples listed?

19 A. I see it.

20 Q. And do you see among those examples one
21 of them is "Any type of sexual contact with a
22 student who is under age 16 years old"?

23 A. I see it.

24 Q. Now I want to draw your attention to
25 page 76. I'd like to draw your attention to the

1 section titled "Harassment Level II - Behavior."
2 Just let me know when you have had a chance to
3 review.

4 Have you had a chance to review that
5 section?

6 A. Yes.

7 Q. In your experience does AcadeMir utilize
8 this definition for "Harassment Level II -
9 Behavior"?

10 A. Yes.

11 Q. Are you familiar with the terms
12 "Level II," "Level III"?

13 A. Yes.

14 Q. What do those terms mean?

15 A. The severity of the incident.

16 Q. And where did you learn about the use of
17 severity in relation to those levels?

18 A. In meetings with Ms. Bello.

19 Q. You've received training on those
20 levels?

21 A. I think our definition of "training"
22 might be a little different. So, to be clear, we
23 don't take full documents page by page and break
24 them down. We have discussions. There are
25 several meetings. There's a level of

1 understanding of certain documents; however, we
2 don't go page by page and read it together in a
3 group setting.

4 Q. But you discussed the application of
5 those levels in relation to student conduct with
6 Ms. Bello and other staff members?

7 A. Yes.

8 Q. Now, previously you testified that upon
9 receiving a complaint relating to discrimination
10 or harassment, you would report it to the
11 principal; is that right?

12 A. Correct.

13 Q. You said correct?

14 A. Yes, that is correct.

15 Q. Where are students or -- sorry. Strike
16 that.

17 To whom are students instructed to
18 report complaints related to discrimination or
19 harassment?

20 A. To any adult that's in the building.

21 Q. Any adult?

22 A. Any adult. The only adults that are in
23 the building are those that work at the school.

24 Q. And how are students instructed of that
25 reporting process?

1 A. It's in the code of student conduct.

2 Q. Are students ever specifically informed
3 of that procedure for reporting those complaints?

4 A. I don't know.

5 Q. You don't know if students are informed
6 of that?

7 A. I know I did not go and explain this to
8 students. So, if some other adult did, I don't
9 know.

10 Q. Are you aware of any other AcadeMir
11 employees that have instructed students in that
12 manner?

13 A. I don't know.

14 MR. MACDONALD: We can go ahead and
15 go off the record. And we'll go ahead
16 and take a five-minute break if that's
17 okay with everyone.

18 (A brief break was had.)

19 BY MR. MACDONALD:

20 Q. Are you familiar with my client Jane?

21 A. Yes.

22 Q. Have you ever met her before?

23 A. Yes.

24 Q. And she was a student at AcadeMir; is
25 that right?

1 A. That is correct.

2 Q. When did she start her enrollment with
3 AcadeMir?

4 A. In her years of VPK.

5 Q. And when was that? When she was in VPK?

6 A. At the age of four.

7 Q. And when was that in terms of a calendar
8 year, if you recall?

9 A. So, not her kindergarten year of last
10 year, but the year before that.

11 Q. How often did you interact with Jane
12 when she was a student at AcadeMir?

13 A. Every day that I was working.

14 Q. So pretty frequently then; right?

15 A. That is correct.

16 Q. During Jane's enrollment, did she ever
17 have any issues related to her academic
18 performance?

19 A. No.

20 Q. During Jane's enrollment, did she ever
21 have any issues related to discipline?

22 A. Discipline that she was given severity
23 minus just a parent phone call or parent
24 conference, not that I am aware of.

25 Q. What do you mean severity minus?

1 A. Nothing that she was given a referral
2 for.

3 Q. But there were things that caused
4 AcadeMir to reach out to her parents?

5 A. Not AcadeMir, but the teacher.

6 Q. And which teacher was that?

7 A. Ms. Chaudry.

8 Q. What issues did Jane have that required
9 contacting her parents?

10 A. She had, I guess one would consider
11 tantrums. I guess I would categorize them as
12 tantrums.

13 Q. Tantrums about what?

14 A. Not doing something, not wanting to do
15 something, which is transitioning from one
16 subject to the next, maybe not wanting to do her
17 math or -- in that kind of transition or subject
18 matter.

19 Q. You mentioned transitioning?

20 A. We go from subject to subject. So,
21 we'll start in a subject. Students will start
22 doing reading and then they will move into a
23 different subject. So, that's the transition I'm
24 referring to. Maybe she wanted to stay on
25 reading; she didn't want to move to math. So,

1 that's what I'm referring to.

2 Q. And Jane would have a temper tantrum
3 when that transition would occur?

4 A. Yes.

5 Q. When were you first made aware of that
6 issue?

7 A. I wouldn't be able to recall an exact
8 month or date. I just know that it came up in
9 conversation with the teacher when discussing
10 students. It wasn't anything that I took part
11 in, that kind of discussion. It's very normal
12 for a kindergartner. They are just coming into
13 school and kindergarten is very different from
14 VPK.

15 Q. And this is something that Ms. Chaudry
16 shared with you specifically?

17 A. Yes.

18 Q. Was anyone else present for that
19 conversation?

20 A. No. It was mentioned in like a data
21 chat when we were discussing data, which is also
22 a normal group setting type of conversation.

23 Q. What is a data chat?

24 A. Students take assessments on a biweekly
25 basis and/or district test that we discuss

1 student success and how to achieve certain levels
2 of learning gaps or extensions of their learning.

3 Q. And it was in one of those data chats
4 that Ms. Chaudry mentioned these issues?

5 A. And she had mentioned it equally prior.

6 Q. So, yes, but she had also mentioned it
7 in a previous conversation with you?

8 A. Correct.

9 Q. Who else was present for the data chat
10 when Ms. Chaudry made those statements?

11 A. Ms. Bello and other kindergarten
12 teachers were present.

13 Q. What kindergarten teachers were present?

14 A. During data chats?

15 Q. During that specific data chat.

16 A. I wouldn't be able to recall that
17 specific data chat. No. I don't know.

18 Q. Where did that conversation take place
19 during that data chat?

20 A. Data chats take place in Ms. Bello's
21 office.

22 Q. And where did the conversation that
23 happened prior with Ms. Chaudry take place?

24 A. On our campus.

25 Q. Where on the campus?

1 A. Like a specific location you're asking?
2 I wouldn't be able to break it down to a specific
3 location. I don't know. I just know that we had
4 a conversation about different kinds of students
5 and that was one of the conversations that had
6 come up. Plus, equally, I've witnessed one of
7 her tantrums, one would say.

8 Q. When did you witness one of her
9 tantrums?

10 A. She had put a tear into her legging. I
11 don't remember how she had torn up her legging
12 that day. And I think the whole school had heard
13 how loudly she was vocalizing that day how upset
14 she was.

15 Q. When did that happen?

16 A. At some point during the school year. I
17 wouldn't be able to recall an exact day or month
18 even. She was just a student that -- you heard
19 her.

20 Q. And where did that take place?

21 A. On our campus.

22 Q. Where on the campus?

23 A. Like a specific place that she was
24 upset?

25 Q. That you heard her getting upset.

1 A. Where I would be? I'm sure I was
2 probably walking in a hallway as I usually do.
3 When I'm on that campus, I'll walk the hallways
4 or I'll be in my office. The school isn't that
5 large of a campus if Jane was upset.

6 Q. Was anyone else there when you heard
7 that incident about the tearing of her legging?

8 A. Ms. Chaudry.

9 Q. Anyone else?

10 A. Not -- I don't know. I'm sure there
11 were other adults present in the building.

12 Q. Did you consider these temper tantrums
13 to be a serious issue?

14 A. No.

15 Q. You said it's fairly normal for students
16 of that age to have those issues pertaining to
17 temper tantrums?

18 A. Yeah, kindergarten is a special group
19 because they're usually coming to a setting that
20 is very structured, where they otherwise were not
21 having that same kind of level of structure in
22 their day-to-day.

23 Q. Were those issues related to the temper
24 tantrum ever documented?

25 A. That would be a question for

1 Ms. Chaudry. I don't know.

2 Q. Are you aware of any documents
3 personally that would reflect those issues
4 pertaining to temper tantrums?

5 A. Am I aware of any documents? No.

6 Q. Now, you mentioned that it did not rise
7 to the level of referrals; is that right?

8 A. Right.

9 Q. What type of conduct typically rises to
10 the level of referrals?

11 A. Probably like -- you want me to give
12 something I would write a referral for? It could
13 be something as -- it could severe, that would
14 warrant a referral, or something such as
15 inappropriate language, they would get a
16 referral.

17 Q. And who does that referral go to
18 typically?

19 A. Ms. Bello.

20 Q. During Jane's enrollment, did she ever
21 report sexual harassment to any employees of
22 AcadeMir?

23 A. No.

24 Q. Did Jane's parents ever report sexual
25 harassment during her enrollment at AcadeMir?

1 A. I know that Dad came in on Tuesday --
2 Mom and Dad had come in on Tuesday, so that would
3 be the 24th, after something that had taken place
4 on Friday. And they had made allegations that
5 were far different than what was said on the
6 20th, which was the Friday that an incident took
7 place.

8 Q. And when you say the 20th, what date are
9 you referring to?

10 A. Friday.

11 Q. January 20th?

12 A. That's correct.

13 Q. January 20, 2023?

14 A. Correct.

15 Q. What was reported on that Friday,
16 January 20th?

17 A. That a student had used inappropriate
18 language towards another student.

19 Q. Which student made inappropriate
20 language or stated inappropriate language?

21 A. Do I use his name?

22 Q. Yes, you can use his name,

23 A. I'm sorry. I asked because we were
24 using the other student's name different so I
25 wasn't sure. His name is .

1 Q. And what is 's last name?

2 A. [REDACTED]

3 Q. Now, from this point forward we can
4 refer to as L.R., if that is okay
5 with you?

6 A. Okay.

7 Q. Who was it reported that L.R. made this
8 statement to?

9 A. Who told me?

10 Q. We can start there. Who told you about
11 this incident?

12 A. Ms. Chaudry.

13 Q. And what exactly did Ms. Chaudry report
14 to you?

15 A. That L.R. made an inappropriate comment
16 to Jane.

17 Q. Was this a conversation that took place
18 in person?

19 A. Between Ms. Chaudry and myself, that is
20 correct.

21 Q. Where did it take place physically?

22 A. I don't remember.

23 Q. Now, did Ms. Chaudry tell you what the
24 inappropriate comments were?

25 A. Yes.

1 Q. What were those comments?

2 A. That L.R. said that he wanted to touch
3 her cuca and her -- I believe the word was
4 tetitas.

5 Q. And the term "cuca," is that referring
6 to her vagina?

7 A. I mean --

8 MS. KARRON: Objection to form.

9 BY MR. MACDONALD:

10 Q. What do you understand the term "cuca"
11 to mean?

12 A. I would understand it as a private area.

13 Q. Private area meaning the area of
14 genitals; correct?

15 A. Correct.

16 Q. And the other term, "tetitas," what do
17 you understand that term to mean?

18 A. I would take that as, I guess, breast,
19 equally another private area.

20 Q. Did Ms. Chaudry tell you anything else
21 about those comments aside that he stated he
22 wanted to touch her cuca and tetitas?

23 A. Can you ask me the question again? I
24 didn't understand.

25 Q. Did Ms. Chaudry tell you anything else

1 about the comments during that conversation?

2 A. No.

3 Q. Did Ms. Chaudry tell you how she had
4 learned of that incident?

5 A. Yes.

6 Q. And how did you she learn of it?

7 A. Through Ms. Mortazavi, the PE coach.

8 Q. And what was your reaction when you
9 learned of this incident?

10 A. I contacted Ms. Bello.

11 Q. How soon after speaking with Ms. Chaudry
12 did you speak with Ms. Bello?

13 A. That same day.

14 Q. Was it more than a few hours after?

15 A. I don't remember the time frame.

16 Q. Was it a conversation in person with
17 Ms. Bello?

18 A. No, it was over the phone.

19 Q. Were you concerned when you learned
20 about this incident?

21 A. Was I concerned? In what regard?

22 Q. Well, did you consider that to be a
23 serious issue?

24 A. No.

25 Q. And why is that?

1 A. Because kids say a lot of things at that
2 age, especially things they hear in their homes.
3 So, a student saying something inappropriate at
4 that age, you would discuss those matters with
5 parents.

6 Q. And how old was Jane at the time of this
7 incident?

8 A. In kindergarten, so those kids would be
9 five or six.

10 Q. And was L.R. a kindergartner?

11 A. Yes.

12 Q. Of approximately the same age?

13 A. Yes.

14 Q. In your experience is it common for
15 five- or six-year-olds to make comments similar
16 to those?

17 A. They say a lot of stuff. Kindergartners
18 are like little parrots, and they come back with
19 things that are said in their homes without
20 really understanding what it is that they are
21 saying out loud, more than they just say.

22 Q. Have you ever dealt with a five- or
23 six-year-old making comments like that in the
24 past?

25 A. Not that I recall.

1 Q. Are you aware of any other employees of
2 AcadeMir that have dealt with students of that
3 similar age of 5, 4, 6, making comments of that
4 nature?

5 A. Not that I recall.

6 MS. KARRON: Objection to form.

7 BY MR. MACDONALD:

8 Q. So, how do you know that is a common
9 occurrence then?

10 A. That students repeat what they say?

11 Q. Well, this was the first time you ever
12 had a report made to you about a five or
13 six-year-old making allegations of this nature;
14 is that right?

15 A. That is correct.

16 Q. And you said that you didn't believe it
17 was a serious issue; is that right?

18 A. That is correct.

19 Q. Why wouldn't this be a serious issue if
20 this was the first time that you had learned of
21 an incident of that nature happening at AcadeMir?

22 MS. KARRON: Objection to form.

23 MR. MACDONALD: You can answer the
24 question.

25 THE WITNESS: Wait. It threw me

1 off. Can you state it again?

2 BY MR. MACDONALD:

3 Q. Why did you not consider this to be a
4 serious issue if that was the first time that you
5 had ever learned of a report of a five or
6 six-year-old making allegations of that nature?

7 A. Of saying things that they heard in
8 their homes? Well, I've heard plenty of things
9 that have been said from children's homes;
10 however, you're taking it as if the child
11 understood at a level of sexual, that
12 five-year-olds don't understand sex. They're
13 five. So, you and I are at our age can
14 understand sex, but five-year-olds, they don't
15 understand sex. So, that's why the student L.R.
16 was reprimanded for his Level I offense of a
17 referral with inappropriate language that was
18 used.

19 Q. How do you know that L.R. didn't
20 understand the nature of those comments?

21 A. He's five.

22 Q. Did you ever speak to L.R. about those
23 comments?

24 A. I did not.

25 Q. How long has L.R. been enrolled at

1 AcadeMir for?

2 A. That I know of since kindergarten and
3 still enrolled in first grade this school year.

4 Q. During L.R.'s enrollment, has he ever
5 had any issues related to his academic
6 performance?

7 A. No.

8 Q. During L.R.'s enrollment, has he ever
9 had issues related to his behavior, conduct?

10 A. No.

11 Q. So, going back to when you learned of
12 that incident, you said you spoke with Ms. Bello?

13 A. That is correct.

14 Q. What did you tell Ms. Bello?

15 A. That the student made an inappropriate
16 comment to another student.

17 Q. Did you tell her what specifically those
18 comments were?

19 A. That is correct.

20 Q. What was her reaction?

21 A. I can't see through a telephone.

22 Q. What did she say in response?

23 A. That she's going to take care of it and
24 she did.

25 Q. What do you mean she did?

1 A. There was nothing further for me to
2 investigate. From there she did, I guess, what
3 she did, or what she does. I don't know.

4 Q. Now, you learned of this incident on
5 Friday the 20th, you said?

6 A. That's correct.

7 Q. Now, when you learned of this incident,
8 did you contact Jane's parents?

9 A. Did I personally, no.

10 Q. Do you know if anyone else did?

11 A. Yes.

12 Q. Who contacted her parents?

13 A. Ms. Zoley.

14 Q. Who is Ms. Zoley?

15 A. The school front desk receptionist.

16 Q. And how do you know that?

17 A. That she contacted the parent?

18 Q. Yes.

19 A. There was an incident report that was
20 completed.

21 Q. Did anyone tell you personally that
22 Ms. Zoley had placed that phone call?

23 A. I don't recall.

24 Q. Were L.R.'s parents notified of that
25 issue?

1 A. Yes.

2 Q. When were they notified?

3 A. On Friday, the 20th.

4 Q. How were they notified?

5 A. Who spoke to them first?

6 Q. Who was the first person to notify

7 L.R.'s parents?

8 A. Ms. Chaudry.

9 Q. And was it a phone call that Ms. Chaudry
10 placed?

11 A. I don't know. That would be a question
12 for Ms. Chaudry.

13 Q. Did Ms. Chaudry tell you that she
14 contacted L.R.'s parents?

15 A. Yes.

16 Q. When did she tell you that?

17 A. The 20th.

18 Q. And what did she say L.R.'s parents
19 stated in response?

20 A. That that student heard that language at
21 home and he repeated it from his home. That she
22 was embarrassed and apologetic for that student
23 using that language in school.

24 Q. And this was L.R.'s mother?

25 A. Correct.

1 Q. And she said that he had heard comments
2 of that nature at least at home?

3 A. Correct.

4 Q. Did she say how he heard those comments
5 or what specifically was the context in which he
6 heard them?

7 A. That would be a question for
8 Ms. Chaudry. I'm not aware.

9 Q. Did anyone else speak to L.R.'s parents?

10 A. I don't know.

11 Q. That you are aware of?

12 A. I don't know.

13 Q. Well, I'm asking if you know if anyone
14 else spoke to L.R.'s parents besides Ms. Chaudry.

15 A. I know I didn't.

16 Q. Are you aware of any other employees of
17 AcadeMir that spoke to L.R.'s parents besides
18 Ms. Chaudry?

19 A. I don't know.

20 Q. You're not sure?

21 A. I don't know. Once I reported it to
22 Ms. Bello, she, like I said, kind of took it from
23 there. I don't know.

24 Q. Were L.R.'s parents ever notified in
25 writing of this incident?

1 A. I don't know.

2 Q. Were you aware of any other issues
3 between L.R. and Jane in the past?

4 A. No.

5 Q. Did you ask Ms. Chaudry or any other
6 employees about that?

7 A. I asked them about an issue between the
8 both of them.

9 Q. Did you ask Ms. Chaudry or anyone else
10 if there had been issues in the past between
11 these two students?

12 A. Issues between students is usually
13 brought to my attention. And at no time was an
14 issue ever brought to my attention regarding
15 these two students. No. This in itself was an
16 isolated incident.

17 Q. How do you know that?

18 A. Again, the teachers are very open to
19 discuss student behaviors and support needed for
20 student behaviors. So, there was no other point
21 in time where an incident between Jane and L.R.
22 was ever reported to me.

23 Q. Now, after Jane's parents were notified
24 on that Friday, what happened next?

25 A. The parents of Jane reached out to

1 Ms. Chaudry to schedule a parent teacher
2 conference.

3 Q. When was that?

4 A. I don't know.

5 Q. Do you know when that conference took
6 place?

7 A. Tuesday, the 24th.

8 Q. And did Ms. Chaudry tell you about this
9 conference?

10 A. Yes.

11 Q. Did she tell you before or after the
12 conference?

13 A. I was in the conference.

14 Q. And what was your understanding of why
15 Jane's parents wanted a conference?

16 A. I don't know why they wanted it, but I
17 do know that they requested it.

18 Q. How did they request that meeting?

19 A. To Ms. Chaudry.

20 Q. And Ms. Chaudry at some point asked you
21 to join her in that meeting?

22 A. Correct.

23 Q. So, on Tuesday who was present at that
24 meeting besides yourself and Ms. Chaudry?

25 A. Jane's parents.

1 Q. Both her mother and her father?

2 A. Correct.

3 Q. And what did they say specifically in
4 that meeting?

5 A. That is the day that the dad had brought
6 up that it was not that the student L.R. said
7 this inappropriate comment but rather the
8 student, L.R., touched Jane.

9 Q. That L.R. had touched Jane's vagina and
10 breast?

11 A. I don't recall him saying specific
12 areas. He definitely used the word touched.

13 Q. Did he use the words, cuca or tetitas?

14 A. Him specifically? The dad? No.

15 Q. Did he say how he learned of this
16 allegation? Whether Jane had told him or --

17 A. I don't remember.

18 Q. And what did you say in response to what
19 Jane's dad had shared with you?

20 A. That I will investigate the matter.

21 Q. Anything else?

22 A. And that I would get back to him.

23 Q. Did you say anything else?

24 A. I don't remember.

25 Q. And Ms., Chaudry, did she say anything

1 in that meeting?

2 A. I'm sure she did. I just don't recall.

3 Q. And did Jane's father seem satisfied
4 regarding that statement regarding the
5 investigation?

6 A. Yes.

7 Q. Did you tell Jane's father when you
8 would follow up regarding this investigation?

9 A. Yes.

10 Q. And when was that?

11 A. Same day.

12 Q. So, you told him you would conduct the
13 investigation and let him know by the end of the
14 day?

15 A. And I would follow-up with him, yes.
16 Some cases can be concluded the same day, but
17 I'll still follow up within the same day. I find
18 it appropriate.

19 Q. And how did the meeting conclude?

20 A. With the counselor and myself.

21 Q. The counselor was present with the
22 meeting with Jane's parents?

23 A. During the one with Ms. Chaudry.

24 Q. Let me clarify. How did the meeting
25 conclude between you, Ms. Chaudry and Jane's

1 parents?

2 A. That I would follow up at the end of the
3 day.

4 Q. Did you in fact conduct an
5 investigation?

6 A. Yes.

7 Q. And what exactly did you do during the
8 course of your investigation?

9 A. I reached out immediately to my school
10 principal, Ms. Bello, where she kind of took it
11 from there. The counselor had come out and
12 spoken with Jane. And the video footage from our
13 classroom was reviewed.

14 Q. When did the guidance counselor get
15 involved?

16 A. That day when the story changed that the
17 father was alleging physical touch.

18 Q. And who reached out to the guidance
19 counselor?

20 A. I would believe it to be Ms. Bello.

21 Q. Did you reach out to the guidance
22 counselor?

23 A. No, I reached out to Ms. Bello.

24 Q. And how did you learn of the guidance
25 counselor's involvement in this situation? Did

1 she speak with you?

2 A. We both spoke to Jane's dad at the end
3 of the day, close to -- end of the school day,
4 not day like day to night.

5 Q. And was that a phone call or in person?

6 A. Phone call.

7 Q. Did anything occur between your phone
8 call to Ms. Bello about this investigation and
9 then your conversation later with Jane's father
10 and the guidance counselor?

11 MS. KARRON: Objection to form.

12 THE WITNESS: I didn't understand
13 the question.

14 BY MR. MACDONALD:

15 Q. What happened after you spoke with
16 Ms. Bello on the phone that day?

17 A. Like for me?

18 Q. In regards to your investigation.

19 A. Well, Ms. Bello was the one who -- that
20 would be a question for Ms. Bello, not for me.

21 Q. Didn't you conduct the investigation?

22 A. Ms. Bello did.

23 Q. So, you did not conduct an
24 investigation?

25 A. I reviewed footage alongside Ms. Bello.

1 Q. Did you believe that to be conducting an
2 investigation?

3 A. Well, for me, of what my part in my
4 support, and what was -- me? Yeah, I'm not the
5 whole -- I'm not the whole party. There's other
6 members involved.

7 Q. Did Ms. Bello conduct an investigation
8 that you're aware of?

9 A. Yes.

10 Q. And how do you know that?

11 A. Because there was a conclusion.

12 Q. So, you said you reviewed video footage
13 with Ms. Bello?

14 A. Correct.

15 Q. When did you review video footage with
16 her?

17 A. I can't recall an exact time of day.
18 That day.

19 Q. But it was prior to your phone call with
20 the guidance counselor and Jane's father?

21 A. Correct.

22 Q. And where did you review that footage
23 with Ms. Bello?

24 A. I don't remember. No, I don't remember.
25 It would be there at the school, I'm not sure

1 what exact spot. I don't remember.

2 Q. Is there a particular location on campus
3 where video footage could be viewed?

4 A. No.

5 Q. How is video footage accessed at the
6 school?

7 A. A computer and you log in.

8 Q. Any computer?

9 A. The security camera computer.

10 Q. And where is that located?

11 A. In the office.

12 Q. And that's one particular computer that
13 has access to that footage; correct?

14 A. There's other computers. It's username
15 and password to access.

16 Q. And what other computers can access that
17 footage?

18 A. I'm sure there are others.

19 Q. Well, you testified you weren't sure
20 where that took place, where you reviewed the
21 footage. So, I'm trying to understand where
22 footage can be reviewed.

23 A. On a computer.

24 Q. How is it accessed?

25 A. By logging in.

1 Q. Logging in to what?

2 A. Into the website for our computers.

3 Q. What website is that?

4 A. There's a website.

5 Q. Do you know what it's called?

6 A. I want to say it's Hik. I might be
7 wrong. I don't access that information on a
8 regular, so I wouldn't be able to give you a URL
9 web address to access to it.

10 Q. And can anyone, rather any employee of
11 AcadeMir access that footage?

12 A. No.

13 Q. Which employees can access that footage?

14 A. The username and password is only
15 provided to the principal and our IT personnel.

16 Q. And you're not sure if you reviewed that
17 footage in the room where that particular
18 computer is located in that office?

19 A. I don't remember.

20 Q. What happened when you went over that
21 footage with Ms. Bello?

22 A. The kids were orderly. They're in their
23 room taking their tests. You had the dividers
24 up. The teacher had control of her classroom.
25 She was giving directions for these multitude of

1 tests they were taking throughout the day. You
2 see students engaged in assessments. Yeah, in
3 essence, that is what it was.

4 Q. What time period did you and Ms. Bello
5 review that footage for?

6 A. How long did it take us to view the
7 whole day's worth?

8 Q. Let me rephrase. Did you only review
9 the camera footage for that Friday, January 20th?

10 A. Yes, that I did, yes, me. I can testify
11 for myself.

12 Q. And did you and Ms. Bello watch footage
13 for that entire day on Friday, January 20th?

14 A. Yes.

15 Q. And you didn't see anything abnormal in
16 that footage?

17 A. No.

18 Q. Did you and Ms. Bello review or --
19 sorry. Strike that.

20 Why did you and Ms. Bello not review
21 footage from any other days?

22 A. Like wait. Hold on. If I understand
23 your question correctly, you're asking why we
24 didn't review footage of days prior to this
25 allegation from the dad?

1 Q. Well, you reviewed that footage with
2 Ms. Bello in response to what Jane's father had
3 alleged?

4 A. Correct.

5 Q. And did Jane's father specify where he
6 believed this took place?

7 A. Yes.

8 Q. And what did he say in that regard?

9 A. In the classroom.

10 Q. And did he say a specific time period in
11 which he believed that it took place?

12 A. No.

13 Q. So then, did you consider reviewing the
14 security camera footage from other days besides
15 the 20th?

16 A. No.

17 Q. Why not?

18 A. Because Jane spoke of the incident on
19 the 20th, about it occurring on the 20th.

20 Q. How do you know that Jane spoke about
21 the 20th specifically?

22 A. That was the day it was reported.

23 Q. Right, Jane made that report on the
24 20th?

25 A. Correct.

1 Q. But are you aware if she said that it
2 took place on the 20th?

3 A. She didn't report it to me. So, that
4 would be a question for someone else, not for me.

5 Q. Well, did anyone tell you that?

6 A. Me, specifically, no.

7 Q. So then, how do you know that Jane
8 reported that it took place on the 20th?

9 A. Like I said, it was something that was
10 reported on the 20th as occurring on the 20th.
11 That would be a question for Ms. Bello. I would
12 believe, if you would think that it would be
13 something that might have been said by others, it
14 wasn't told to me, which is why I only looked at
15 the day that the dad had alleged that the
16 incident took place and so did the child.

17 Q. The child had alleged that it took place
18 on the 20th?

19 A. That's when she reported it, that the
20 student made an inappropriate comment to her.

21 Q. But did you or Ms. Bello consider
22 looking at other days of footage to see if this
23 had occurred on a different day?

24 A. No, I did not.

25 Q. Were there any policies or procedures

1 that you used when you were reviewing this
2 footage?

3 A. Observation.

4 Q. Just personal observations?

5 A. Yeah, you're looking for student
6 behavior, teacher behaviors.

7 Q. What behavior are you looking for in a
8 teacher?

9 A. That she's teaching. It's a funny
10 question. Sorry.

11 Q. Who made the decision between you and
12 Ms. Bello as to which footage to review?

13 A. Are we talking about that again, that we
14 looked at the day of the 20th?

15 Q. I'm asking -- who decided between you
16 and Ms. Bello which days to look at this footage?

17 A. I don't know who made the executive
18 decision of grabbing the footage of the date the
19 report was made of the student making
20 inappropriate comments. But I do know I only
21 looked at the 20th, which was Friday.

22 Q. What happened after you reviewed that
23 footage with Ms. Bello?

24 A. I think when we got done looking at the
25 footage, I believe by then the counselor was done

1 speaking to students and we had reached out to
2 the parents of Jane.

3 Q. The guidance counselor interviewed
4 students?

5 A. Yes.

6 Q. Who was the guidance counselor at the
7 time?

8 A. Stephanie Ruiz.

9 Q. Does she still work at AcadeMir?

10 A. She does not. She's working on
11 clinicals or earning a certificate towards her
12 career.

13 Q. When did she leave AcadeMir?

14 A. At the end of the school year in June,
15 at the end of the school year.

16 Q. Do you know if Ms. Ruiz works anywhere
17 currently?

18 A. I have no idea.

19 Q. Do you know what school she goes to?

20 A. I have no idea.

21 Q. Have you stayed in contact with Ms. Ruiz
22 since she left?

23 A. No.

24 Q. How did you learn of Ms. Ruiz
25 interviewing students?

1 A. That she was doing it? I could see her.

2 Q. You witnessed her interviewing students?

3 A. No, I wasn't present during the
4 interviews, but I know she went on campus to
5 interview students.

6 Q. How did you learn of that?

7 A. I could see her, when she came on to
8 campus I could see her.

9 Q. But did you see her conducting these
10 interviews?

11 A. No, I'm not present for those
12 interviews.

13 Q. So, how do you know that she conducted
14 the interviews?

15 A. The students came out of class and they
16 went into a room to speak to her.

17 Q. And you saw this?

18 A. That she spoke to students? I didn't
19 see her going in and out of anywhere. I just
20 know that the students -- she came on to campus
21 and she came for that purpose.

22 Q. How do you know that she was there for
23 that purpose?

24 A. Because -- this is very specific.
25 Because she came on to campus. I don't know how

1 to explain this.

2 Q. Did Ms. Ruiz tell you that she was going
3 to conduct interviews with students prior to
4 doing so?

5 A. Yes.

6 Q. When did she tell you that?

7 A. When she came on to campus.

8 Q. When was that roughly?

9 A. Tuesday the 24th.

10 Q. Was that a conversation in person?

11 A. Yes.

12 Q. Did Ms. Ruiz tell you who she was going
13 to interview?

14 A. I'm not sure if she said out loud "I'm
15 here to pick up L.R. and Jane."

16 Q. And did Ms. Ruiz speak to you after
17 conducting those interviews?

18 A. No.

19 Q. Do you know what the outcome of those
20 interviews were?

21 A. No, that would be a question for
22 Ms. Bello.

23 Q. And that same day you spoke to Jane's
24 father with Ms. Ruiz; is that right?

25 A. That's correct.

1 Q. What occurred on that phone call?

2 A. I had advised that we had reviewed the
3 cameras and what I had stated to you of what I
4 had seen, which was that the students -- do you
5 want me to state it again? About the students
6 were taking assessments, their dividers were up,
7 the teachers were giving instructions. At no
8 point did I see L.R. make any type of contact
9 towards Jane at any point during their
10 instructional period at the school.

11 Q. On that Friday, the 20th?

12 A. Correct.

13 Q. What did he say in response, Jane's
14 father?

15 A. He wanted to see the cameras. I told
16 him I couldn't show him the cameras. For the
17 privacy of students, that was not something I
18 could allow him to view. However, I know that I
19 had seen the footage. And again I reiterated
20 what I had seen in the footage.

21 Q. Did Ms. Ruiz say anything on the call?

22 A. I don't remember what she said.

23 Q. Okay. Then following that phone call,
24 what happened next?

25 A. On Wednesday, dad showed up to the

1 school.

2 Q. Where did he show up?

3 A. At the school. You want the address?

4 Q. Did Jane's father speak with anyone
5 specifically?

6 A. With me.

7 Q. And what did Jane's father say to you on
8 that Wednesday?

9 A. Well, that Wednesday, he entered into
10 our school very upset using a whole lot of
11 inappropriate language in front of children, in
12 front of other staff members. To defuse that
13 situation, I ushered him quite quickly into our
14 lobby area and asked him to please come into my
15 office. He told me he had a recording of Jane in
16 the bathtub. He told me that he wanted me to see
17 the video.

18 I said, "Sorry, Dad. I can't see the
19 video, but I can hear the video if there is
20 something you want to share."

21 So, he did. He played the audio. I
22 listened to the audio. And during that
23 conversation, obviously, Dad was very upset.

24 I told him that I don't know why her
25 story is different in this audio message that I'm

1 hearing from what she told our staff on Friday,
2 the 20th, what she had shared with our counselor,
3 Ms. Ruiz on Tuesday; however, again, he was
4 asking, "I want to see the video. I want to say
5 the video."

6 And I said, "I'm sorry. That is not
7 something I can share" because of the privacy of
8 our students, I can't allow him to see and view
9 the video footage of the students.

10 He was obviously very upset. And I told
11 him to please reach out to Ms. Bello, maybe as
12 she can give him a different answer. I cannot
13 give him a different answer. But he definitely
14 was not satisfied with my response.

15 Q. What did Jane say in that recording that
16 you listened to?

17 A. I can't recall verbatim what the child
18 had said, but I know it had alleged some type of
19 physical touch between her and L.R., using that
20 same language of tetitas and cuca.

21 Q. So, on that recording that you listened
22 to, Jane alleged that L.R. had touched her breast
23 and vagina?

24 A. Her tetitas and cuca.

25 MS. KARRON: Objection to form.

1 BY MR. MACDONALD:

2 Q. On that recording Jane alleged that she
3 had been touched by L.R. on her tetitas and cuca;
4 is that right?

5 A. Yes.

6 Q. And you said you believe that was
7 different than what Jane had reported to
8 employees of the school?

9 A. I don't believe. I know it was
10 different.

11 Q. And what did you offer, if anything, to
12 Jane's father in terms of next steps after
13 learning of this recording?

14 A. I had told him to reach out to
15 Ms. Bello.

16 Q. When you listened to that recording, did
17 you understand that to be a complaint of sexual
18 harassment?

19 A. No.

20 Q. Why not?

21 A. Because, again, this was an isolated
22 incident of a student making a verbal comment to
23 another student from what I had learned from what
24 was first stated on Friday from both students --
25 both students on Friday. Again stated on

1 Tuesday, upon meeting with the counselors, same
2 statement. The student never veered into a
3 different story. So, no, I wouldn't -- I
4 wouldn't take this as sexual harassment. This
5 was an isolated incident.

6 Q. But the recording you listened to, on it
7 Jane did not say it was a verbal incident; is
8 that right?

9 MS. KARRON: Objection to form.

10 MR. MACDONALD: Go ahead. You can
11 answer.

12 THE WITNESS: Can you say it again?

13 BY MR. MACDONALD:

14 Q. On that recording, Jane alleged that she
15 had actually been touched by L.R.; correct?

16 A. She said that L.R. touched her tetitas
17 and her kuka.

18 Q. And you would agree that is more than
19 verbal; right?

20 MS. KARRON: Objection to form.

21 MR. MACDONALD: You can answer.

22 THE WITNESS: That was very
23 different from what she stated on
24 Friday, and very different to what she
25 stated on Tuesday.

1 BY MR. MACDONALD:

2 Q. So, you believe that recording was not
3 consistent with what Jane had reported
4 previously?

5 A. Correct.

6 Q. But did you believe at that time if
7 proven true what Jane stated on that recording
8 constituted sexual harassment?

9 MS. KARRON: Objection to form.

10 THE WITNESS: I saw footage. Can
11 you tell me again?

12 BY MR. MACDONALD:

13 Q. When you listened to that recording, did
14 you believe that what Jane had alleged if proven
15 to be true constituted sexual harassment?

16 MS. KARRON: Objection to form.

17 Calls for a legal conclusion.

18 THE WITNESS: What she said.

19 BY MR. MACDONALD:

20 Q. Are you familiar with the term "sexual
21 harassment"?

22 A. Yes.

23 Q. And what is your understanding of that
24 term?

25 A. Can I read it as defined by our student

1 code of conduct?

2 Q. I'm asking what your personal
3 understanding of that term is.

4 MS. KARRON: Objection to form.

5 THE WITNESS: Can I read it? I can
6 read it.

7 MS. KARRON: If that's your
8 response to the question.

9 THE WITNESS: Going to the
10 glossary -- do you want me to read it?

11 BY MR. MACDONALD:

12 Q. I'm asking what is your personal
13 understanding of the term "sexual harassment"?

14 A. So, it says here "The United States
15 Department of Education defines sexual harassment
16 as unwelcome sexual conduct, including
17 conditioning any aid, benefit or service of the
18 school on an individual's participation in
19 unwelcome sexual conduct, sexual assault, dating
20 or domestic violence, stalking, and all forms of
21 sexual harassment that a reasonable person would
22 determine so severe, pervasive, and objectively
23 offensive that it denies a student access to an
24 education program or activity."

25 Should I continue?

1 Q. Is that your personal understanding of
2 the term "sexual harassment"?

3 A. Yes.

4 Q. When you learned of what Jane had said
5 on the recording, did you understand that to be a
6 report of unwelcomed sexual conduct?

7 A. So, what Jane had said in her recording
8 was very different than what Jane had stated to
9 the adult present on Friday, the 20th, and on
10 Tuesday, the 24th.

11 Q. That's not what I'm asking you. I'm
12 asking: When you heard that recording, did you
13 understand what Jane had alleged to be unwelcomed
14 sexual conduct?

15 MS. KARRON: Objection to form.

16 MR. MACDONALD: You have to answer.

17 THE WITNESS: You're asking me to
18 formulate an opinion on a recording that
19 was not even in my presence nor were the
20 questions coming from me. I can't
21 formulate an opinion on that.

22 BY MR. MACDONALD:

23 Q. You can't formulate an opinion as to
24 whether that recording was reporting unwelcomed
25 sexual conduct?

1 A. That answer came as a result of the
2 questions from someone else. That was not my
3 questions. Those were not the questions that
4 were brought forth or questioning that was
5 brought forth by the schools or by any adults
6 that were present at the school. These were
7 questions in the privacy of a home during a
8 private intimate moment in a bathtub.

9 So, I can't formulate an opinion of
10 whatever that was, which is why I did whatever I
11 knew to do which is "please contact Ms. Bello,"
12 which I know that the parent did.

13 Q. Why does it matter that the recording
14 took place at home?

15 A. Because a child at home is very
16 different than a child at school. Those are two
17 different children.

18 Q. What do you mean they're two different
19 children?

20 A. So, children in a school have different
21 structures that are not found in the home.
22 "We're going to eat at 10:00 because that is our
23 lunchtime." So, whether they want to eat at
24 10:00, or maybe they didn't want to have their
25 lunch at that time, but either way, everyone is

1 going to the cafeteria at 10:00, because it's
2 very different from inside the home.

3 Q. And what does that have to do with
4 whether you believed what Jane had stated on that
5 recording constituted unwelcomed sexual conduct?

6 MS. KARRON: Objection to form.

7 THE WITNESS: It wasn't for me to
8 formulate any kind of opinions. That
9 was for me to be able to tell him that
10 he needed to contact Ms. Bello.

11 BY MR. MACDONALD:

12 Q. Now, earlier you testified that you're
13 familiar with the requirements of being a
14 mandatory reporter?

15 A. That is correct.

16 Q. And those requirements pertain to
17 reports regarding child abuse or child neglect;
18 is that correct?

19 A. That is correct.

20 Q. Would that include the sexual assault of
21 a child?

22 MS. KARRON: Objection to form.

23 THE WITNESS: You would report if
24 you suspect abuse, neglect, abandonment,
25 and of course if in the event of a

1 sexual assault, you would absolutely
2 report sexual assault.

3 BY MR. MACDONALD:

4 Q. And would that include if a sexual
5 assault was reported to you regardless of the
6 location in which that report was made?

7 MS. KARRON: Objection to form.

8 BY MR. MACDONALD:

9 Q. Let me rephrase the question. As a
10 mandatory reporter, are you required to report
11 allegations of sexual assault if those
12 allegations are made in a child's home?

13 MS. KARRON: Objection to form.

14 THE WITNESS: Can you tell me that
15 question again?

16 BY MR. MACDONALD:

17 Q. Earlier you testified that you're
18 familiar with requirements of being a mandatory
19 reporter; is that right?

20 A. Yes.

21 Q. And you just testified that you believe
22 a report of sexual assault of a child would be
23 included in those duties to report; is that
24 right?

25 A. Correct.

1 Q. Do those same duties apply if a child
2 reports a sexual assault from their home?

3 MS. KARRON: Objection to form.

4 THE WITNESS: Julie, can I take
5 five minutes?

6 MS. KARRON: Yes, but you have to
7 answer the pending question first and
8 then you can take a break.

9 THE WITNESS: Sounds good.

10 So, the question to answer would
11 be -- yes, I am a mandatory reporter.
12 When it comes to something that I
13 suspect, me, personally suspecting
14 abuse, neglect, abandonment, or
15 definitely sexual harassment, do I need
16 to report? The answer is yes, yes, I
17 do.

18 MR. MACDONALD: That was
19 nonresponsive, but we can go ahead and
20 take a break and we'll come back to it.
21 And we'll come back in five minutes.

22 (A brief break was had.)

23 BY MR. MACDONALD:

24 Q. Now, before we went on break, I was
25 asking about the recording that you listened to

1 that Jane's father showed you. Do you recall
2 that?

3 A. Yes.

4 Q. Now, when I asked you about that, you
5 mentioned something about the person conducting
6 the questioning or something similar. Do you
7 recall that?

8 A. No.

9 Q. Do you recall saying something about the
10 person asking the questions on the recording?

11 A. To the father?

12 Q. Let me try to rephrase the question.
13 When I had previously asked you about your
14 reaction to listening to that recording, you
15 discussed the fact that the recording had been
16 made in the home as well as you were not the
17 person asking those questions or something to
18 that effect.

19 A. I believe I had stated that Jane had a
20 different answer from what she was saying inside
21 of that recording.

22 Q. And the fact that Jane on that recording
23 was alleging something different, did that raise
24 concerns to you about opening an investigation?

25 A. Yeah. Well, I called my principal to

1 discuss that there is this new allegation that
2 wasn't previously mentioned.

3 Q. Did you believe what Jane alleged?

4 A. I don't think it's up for me to assume
5 anything.

6 Q. Well, did you make any assumption as to
7 whether she was telling the truth?

8 MS. KARRON: Objection to form.

9 Calls for speculation.

10 MR. MACDONALD: Go ahead.

11 THE WITNESS: It's not for me to
12 assume. I don't have to assume.

13 BY MR. MACDONALD:

14 Q. You had no opinion as to whether Jane
15 was telling the truth when you heard that
16 recording?

17 A. No.

18 Q. Now, previously do you recall reviewing
19 the definitions of "sexual harassment" in the
20 Miami-Dade County code of student conduct?

21 A. Yes.

22 Q. And do you recall those definitions? I
23 believe you even read a portion; is that right?

24 A. Yes.

25 Q. But you did not believe what Jane

1 reported on that recording to constitute sexual
2 harassment per that definition?

3 MS. KARRON: Objection to form.

4 Asked and answered.

5 MR. MACDONALD: Go ahead.

6 THE WITNESS: It was answered.

7 Asked and answered.

8 BY MR. MACDONALD:

9 Q. Julie is going to make objections and
10 you don't have to comment on them. It's going to
11 slow things down if you comment on the
12 objections, but let me try to rephrase the
13 question for you.

14 Did you -- when you listened to that
15 recording in which Jane made those allegations,
16 did you consider that to be a report that fell
17 under Title IX?

18 A. No.

19 Q. Why not?

20 A. Because this was an isolated incident
21 that under my findings of my previous
22 investigation did not show a student that was
23 sexually assaulted inside of a classroom.

24 Q. You said your previous findings and
25 investigation?

1 A. Yes.

2 Q. What were your findings in your previous
3 investigation?

4 A. Students were taking tests, students had
5 blockers on their desks, student was wearing
6 jeans. It was a Friday in the school, the
7 teacher was giving instruction. The teacher was
8 present throughout the class period. Students
9 were never left alone.

10 Q. And those were your investigative
11 findings?

12 A. In my observation of that video, yes.

13 Q. And because of your previous
14 investigation, you did not believe that Jane's
15 allegations on that recording to fall within
16 Title IX?

17 MS. KARRON: Objection to form.
18 Mischaracterizes testimony.

19 THE WITNESS: It wasn't for me to
20 formulate an opinion on. I had called
21 Ms. Bello and I told her what the dad
22 had allowed me to listen to in that
23 recording.

24 BY MR. MACDONALD:

25 Q. When you spoke to Ms. Bello, did you at

1 any point tell her that you believed the father's
2 questioning to be leading?

3 A. I do believe that the father's
4 questionings were leading.

5 Q. What do you mean the questions were
6 leading?

7 A. When the child is asked a question, for
8 example, "Today is a great day?" That's a
9 leading question because you go under an
10 assumption that today was great. Today might not
11 have been so great. So, the way that you
12 formulate a question, absolutely provides another
13 person's response.

14 Q. And what specifically led you to believe
15 that his questions on that recording were
16 leading?

17 A. The questions.

18 Q. Have you ever received any type of
19 training as to questioning in this context?

20 A. What do you mean?

21 Q. Well, how did you determine that those
22 questions were leading? Was that based on
23 training or experience that you have?

24 A. I would believe that I have -- that I'm
25 a human. People know when there is a question

1 that is leading as opposed to a question that
2 allows a person to give an answer without you
3 wanting the response or warranting the response.

4 Q. Do you think Jane's father wanted a
5 particular response when he was conducting that
6 questioning?

7 A. I don't think any parent would want a
8 response negative from their child.

9 Q. What do you mean by that?

10 A. I don't think that a person wants to
11 hear anything negative from their child. I think
12 every parent wants to hear that their child is on
13 sunshine and rainbows and cloudy with a chance of
14 meatballs, is great.

15 Q. So, why would you believe that Jane's
16 father was leading her to a particular
17 conclusion?

18 MS. KARRON: Objection to form.

19 MR. MACDONALD: Go ahead.

20 THE WITNESS: What was the
21 question?

22 BY MR. MACDONALD:

23 Q. I was asking you so then why based on
24 what you stated that parents would not want to
25 reach a negative conclusion, how did that

1 influence your belief that Jane's father's
2 questions were leading.

3 MS. KARRON: Objection to form.

4 MR. MACDONALD: Go ahead.

5 THE WITNESS: So, I think it's the
6 way that the questions were framed.

7 BY MR. MACDONALD:

8 Q. Have you ever undergone any training
9 related to the questioning of children?

10 A. I have -- I have been in what one would
11 consider training for children since I was in
12 high school. In my years of high school, I was
13 part of a magnet for education. I earned an
14 associate's degree in early childhood education.
15 I earned an associate's degree in elementary
16 education. I earned my bachelor's in early
17 education. All of my teaching and training has
18 always been with education; and children, of
19 course, at the forefront of all of that training.

20 Q. And during the course of that long
21 career in education, have you ever received
22 training on how to evaluate the questioning of a
23 child on whether it's leading or not?

24 A. Like I said earlier, when a person asks
25 a question that draws a conclusion in which you

1 seek, that is considered a leading question. For
2 example, "Today was a great day." Maybe today
3 wasn't great. Maybe today the person wanted to
4 say it was a cloudy day. So a question framed
5 with a response in which you seek is a leading
6 question.

7 Q. I'm asking you if you have ever received
8 any training regarding leading questions in the
9 manner in which you just described.

10 A. I've gone through lots of training in my
11 world and in my career of education. All of my
12 career has been in education since I began high
13 school. So, one specific day, one specific
14 training if that's the response in which you're
15 seeking, I don't think that I can give you that
16 level of response more than I have had many years
17 as an educator and a person who has done nothing
18 besides seek knowledge in the world of education.

19 Q. Now, you previously testified that
20 AcadeMir follows that Miami-Dade County Code of
21 Student Conduct; is that right?

22 A. That's correct.

23 Q. Is there any part of that code of
24 student conduct that has any information about
25 evaluating the questioning of a child that you

1 are aware of?

2 A. Can I go through it?

3 Q. If you'd like to, sure.

4 A. So, here it talks about "All corrective
5 strategies used by school-site administrators
6 must be in compliance with school board rules and
7 policies. Inherent in these rules and policies
8 is the philosophy of fairness and consideration
9 for actions that are in the best interest of
10 students.

11 "When confronted with an act that may
12 require the imposition of corrective strategies
13 by the school, the student and all other
14 appropriate persons should be given the
15 opportunity to explain the circumstances of the
16 incident."

17 Q. What page are you reading from?

18 A. Page 25. Do you want it?

19 Q. No. I'm okay. And what does that have
20 to do with the evaluation of leading questions?

21 MS. KARRON: Objection to form.

22 THE WITNESS: So, when someone is
23 having this kind of opportunity to
24 address the incident for what it is, you
25 make contact with that student and

1 you're able to speak with them.

2 BY MR. MACDONALD:

3 Q. Did you do that?

4 A. Jane did not return to school nor did
5 the parent allow for the school to reach out to
6 Jane.

7 Q. Did you try?

8 A. No. Dad said no.

9 Q. Did you reach out to L.R. or his
10 parents?

11 A. Me personally, I did not.

12 Q. And do you have any records as to L.R.'s
13 explanation of the circumstances of the incident?

14 A. Me, like personally in my possession?

15 Q. Are you aware of any that AcadeMir has?

16 A. He has a discipline referral.

17 Q. And does that document the circumstances
18 of the incident specifically?

19 A. I didn't write out the referral. I'm
20 not sure what's written on there.

21 Q. And Ms. Ruiz's interview with L.R.; is
22 that documented in detail anywhere?

23 A. I don't know.

24 Q. Now, when you listened to that
25 recording, did you contact the Department of

1 Children and Families?

2 A. I did not.

3 Q. Do you know if anyone else at AcadeMir
4 did?

5 A. I don't know.

6 Q. When you listened to that recording, did
7 you contact Miami-Dade County Schools?

8 A. Like, I contacted Ms. Bello.

9 Q. When you listened to that recording, did
10 you contact the Office of Civil Rights Compliance
11 for Miami-Dade County Schools?

12 A. I did not.

13 Q. And when you listened to that recording,
14 did you contact any law enforcement agency?

15 A. That day we had spoken to law
16 enforcement.

17 Q. Did you contact law enforcement?

18 A. I did not.

19 Q. Did anyone at AcadeMir reach out to law
20 enforcement?

21 A. I don't know. I know that law
22 enforcement was spoken to Wednesday around -- I
23 want to say it was around 5:00, maybe 6:00, I
24 don't know. But I know it was the same day,
25 later in the day.

1 Q. And that was because Jane's parents
2 contacted the police; is that right?

3 A. That is correct.

4 Q. Did you speak to the police at any
5 point?

6 A. On that initial contact on the school
7 premises, like the school -- they never came
8 inside the school. They were outside the school.

9 Q. Did you speak to them during that
10 initial contact?

11 A. I want to say yes. I don't recall what
12 was said, but I did speak to them that day.
13 Ms. Bello and I were both present to speak to the
14 officer.

15 Q. Was this on one occasion or two
16 occasions when you spoke with police?

17 A. What?

18 Q. Did you speak with the police just one
19 time that day?

20 A. Yes.

21 Q. And that was with Ms. Bello outside of
22 the school?

23 A. Correct.

24 Q. What do you recall about that
25 conversation with the police?

1 A. I know that Jane's dad was again
2 requesting the video footage. I know that Jane's
3 dad was requesting for L.R. to be removed from
4 school. I remember that the police officer
5 had -- after hearing the allegations that it had
6 to be investigated through a detective and the
7 dad didn't want a detective. I don't remember
8 what he said specifically.

9 Q. How soon after that incident with the
10 police did Jane withdraw from classes at
11 AcadeMir?

12 A. She was in school on Tuesday. It was
13 literacy week, so we had a bunch of different
14 activities to celebrate literacy. So, she was
15 there on Tuesday. Monday was a teacher planning
16 day. Tuesday we had activities and she was
17 there. I believe she even stayed in aftercare.
18 Wednesday she was there and I believe she was
19 absent on Thursday and Friday and thereafter
20 until her withdrawal.

21 Q. At any point did Jane's parents request
22 that L.R. and Jane be taught in separate
23 classrooms?

24 A. No, even at the conclusion of that
25 police report, at the bottom, the conclusion was

1 made to have the students in the same class but
2 separated. It's on the -- it was on the police
3 report. I think that's what it is called, the
4 police report. Is that what it's called? It's
5 the form that the police provides or the paper
6 that the police provides. That was a conclusion
7 made that day.

8 Q. What was the conclusion?

9 A. Both students will remain at the school
10 and be separated in the classrooms.

11 Q. Are you referring to separate locations
12 within the same classroom?

13 A. Correct, which is what we did even
14 initially upon the student making that comment
15 towards Jane.

16 Q. But at any point did Jane's parents
17 request that Jane and L.R. be taught in separate
18 classrooms, not just in different locations?

19 A. Jane's father didn't want her removed
20 from her classroom. He said that she liked her
21 teacher and she -- that he -- that he did not
22 want her removed from her classroom.

23 Q. And at any point did AcadeMir offer to
24 have L.R. placed in a separate classroom?

25 A. That would be a question for Ms. Bello.

1 Q. So, you are not aware of that?

2 A. I don't have that kind of authority.

3 Q. Are you aware of that kind of offer
4 being made or that offer specifically?

5 A. Me personally, no. That would be for
6 Ms. Bello to answer.

7 Q. At any point did anyone from AcadeMir
8 meet with L.R.'s parents?

9 A. I don't know.

10 Q. Are parent-teacher conferences
11 documented?

12 A. Yes.

13 Q. Are they required to be documented?

14 A. Sure.

15 Q. And does AcadeMir get rid of those forms
16 at any point?

17 A. At the end of the school year.

18 Q. So, any parent-teacher conference form
19 relating to a meeting with L.R.'s parents would
20 no longer exist; is that your understanding?

21 A. Correct.

22 Q. Had you spoken with L.R.'s parents in
23 the past prior to this incident?

24 A. No.

25 Q. Have you ever spoken to L.R.'s parents?

1 A. Like over circumstance of any kind? I
2 mean, basic of activities or welcoming parents on
3 the campus, "Hi. Good morning. How are you," as
4 I do with all the families. It's part of my
5 every single day arrival.

6 Q. What are L.R.'s parents names?

7 A. [REDACTED]

8 Q. You don't know either of the first
9 names?

10 A. I don't refer to anyone by first name.

11 Q. I'm not asking if you refer to them.
12 I'm asking if you know their first names.

13 A. No, I don't. I don't speak to people by
14 first name.

15 Q. Do you know what L.R.'s parents do for
16 work?

17 A. I have no idea.

18 Q. Has L.R. had any issues since this
19 incident?

20 A. No.

21 Q. Does L.R. have any relatives that are
22 enrolled in the school?

23 A. No.

24 Q. None?

25 A. None.

1 Q. L.R. doesn't have a sister?

2 A. He does. Emma. That's right.

3 Q. What grade is Emma in?

4 A. I don't know. She's older.

5 Q. And do L.R. or Emma have any relatives
6 that work for AcadeMir?

7 A. No.

8 Jane has relatives in the school.

9 Q. That attend the school?

10 A. Uh-huh.

11 Q. And at some point L.R. was issued a
12 referral form; is that right?

13 A. That's right.

14 Q. Outside of that form was any other
15 action taken against L.R. as a result of this
16 incident that you are aware of?

17 A. Aside from the referral? Not that I'm
18 aware of.

19 Q. Does AcadeMir use an electronic system
20 for student records?

21 A. Yes.

22 Q. What is that called?

23 A. DSIS.

24 Q. How is that spelled?

25 A. D-S-I-S. I don't know.

1 Q. And is that program operated by
2 Miami-Dade County?

3 A. Yes. You referenced the school, not the
4 actual county; right? It's a Miami-Dade public
5 school operational system.

6 Q. And do referral forms have to be entered
7 into that system?

8 A. Yes.

9 Q. Are you aware that at some point Jane's
10 parents contacted the Department of Children and
11 Families themselves?

12 A. Am I aware that they contacted them? I
13 believe it to be on a document that was presented
14 to us in that complaint, but that was the first
15 time I learned that they had contacted DCF.

16 Q. You reviewed a document from the
17 Department of Children and Families prior to this
18 deposition?

19 A. No.

20 Q. No?

21 A. No.

22 Q. Then what were you referring to?

23 A. The complaint form that it was stated in
24 there.

25 MR. MACDONALD: I'd like to show

1 you a document. We'll mark this as
2 Plaintiff's Exhibit 3.

3 (Plaintiff's Exhibit No. 3 was
4 marked for identification.)

5 MS. KARRON: Can you describe the
6 document for me.

7 MR. MACDONALD: Yes, it's titled
8 "Intake Report." And it's plaintiffs
9 Bates labeled started at DCF1.

10 THE WITNESS: Well, that's false.
11 It says law enforcement notified. That
12 says "no" and it should have been
13 checked "yes." That's wrong, just FYI.

14 What is CPI? And what is CPT?

15 BY MR. MACDONALD:

16 Q. Have you had a chance to review the
17 document?

18 A. No. As I'm reading, I'm coming across
19 acronyms. Can you please advise what is CPI?

20 Q. I can't answer questions for you. I'll
21 give you a moment to review the rest of the
22 document.

23 MS. KARRON: Just answer based on
24 what you know.

25 MR. MACDONALD: I believe CPI

1 stands for "child protective
2 investigator."

3 BY MR. MACDONALD:

4 Q. Have you had a chance to review the
5 document?

6 A. Yes.

7 Q. I'll represent to you that this document
8 was produced by the Florida Department of
9 Children and Families. Now, I want draw your
10 attention to the page labeled DCF2. Do you see
11 the section labeled "Narrative"?

12 A. Yes.

13 Q. And do you see the first sentence there
14 that starts, "On 1/20/23"?

15 A. Okay.

16 Q. Are those allegations consistent with
17 what you heard on the recording that Jane's
18 father showed you?

19 MS. KARRON: Objection to form.

20 THE WITNESS: When Jane made the
21 comment to her PE teacher that L.R. said
22 an inappropriate comment, and then
23 Ms. Mortazavi shared that information
24 with Ms. Chaudry who again asked the
25 student what happened. Jane again

1 stated that L.R. made an inappropriate
2 comment to her, not using those words;
3 she used other language.

4 And again, Jane spoke to Ms. Zoley,
5 who is the front desk receptionist, who
6 also equally heard from Jane to say that
7 L.R. made an inappropriate comment to
8 her. So, to the -- to what I have known
9 from the staff members of the school of
10 what Jane said is not at all what is
11 stated here. This is very different
12 from what was said to staff members at
13 the school.

14 BY MR. MACDONALD:

15 Q. That's not what I asked.

16 Is that first sentence consistent with
17 the recording that you listened to from Jane?

18 A. I don't recall exactly what Jane said in
19 the recording about areas in which she was
20 touched.

21 Q. And I want to draw your attention to
22 page 10, DCF10. Do you see that?

23 A. What am I looking for?

24 Q. That section labeled "narrative" on
25 page 10?

1 A. Yes.

2 Q. I'll give you a moment to review it.

3 A. Okay.

4 Q. And do you see on the last three
5 sentences where it describes what Jane alleged to
6 the investigator?

7 A. Okay.

8 Q. And in these notes from the
9 investigator, do you see anything about leading
10 questions?

11 A. There is no mention of that here.

12 Q. And do you see any notes regarding
13 inconsistencies in what Jane had reported to this
14 investigator?

15 MS. KARRON: Objection to form.

16 THE WITNESS: Which one was the one
17 that she spoke to the investigators?
18 The first one that we read? That was
19 her words being used to an investigator?
20 This is Jane and this is what you're
21 trying to get me to compare it to?

22 BY MR. MACDONALD:

23 Q. Well, do you see in that narrative
24 section where it says, "She said that the parts
25 that licked" and it says, "She stated"?

1 A. Okay.

2 Q. And you'd agree that is in reference to
3 Jane; is that right?

4 MS. KARRON: Objection to form,
5 improper impeachment, and this is not a
6 document that she created herself for
7 this.

8 MR. MACDONALD: You can answer.

9 THE WITNESS: Things that are
10 usually said are in quotes. I don't see
11 any quotation marks here.

12 BY MR. MACDONALD:

13 Q. What do the quotation marks have to do
14 with anything?

15 A. In narrative writing one would use
16 quotation marks to dictate verbatim of what
17 someone said.

18 Q. Do you believe that the investigator's
19 report was not proper based on that?

20 MS. KARRON: Objection.

21 THE WITNESS: You're asking me to
22 know something that I don't know.

23 BY MR. MACDONALD:

24 Q. Did AcadeMir ever reach a conclusion as
25 to whether Jane was sexually abused while she was

1 enrolled at the school?

2 A. That would be a question for Ms. Bello.

3 Q. You don't know if the school ever
4 reached a conclusion as to whether Jane was
5 sexually abused?

6 A. No. That would be a question for
7 Ms. Bello.

8 Q. And did the school ever reach a
9 conclusion as to whether what Jane had alleged on
10 the recording that you listened to was true?

11 A. No. That would be a question for
12 Ms. Bello.

13 Q. No, the school didn't; or no, you're not
14 sure?

15 A. No, I don't know. That would be a
16 question for Ms. Bello.

17 Q. Okay. In your opinion and experience at
18 AcadeMir do you think that the school handled
19 this situation with Jane properly?

20 MS. KARRON: Objection to form.

21 THE WITNESS: Yes.

22 BY MR. MACDONALD:

23 Q. And why is that?

24 A. From my point of action, I would believe
25 that the actions in which I took were

1 appropriate.

2 Q. And is that your opinion for the actions
3 of the school as a whole?

4 A. I can't speak to the actions of others.
5 I can only attest and speak to my own actions.

6 Q. Even as assistant principal of the
7 school?

8 MS. KARRON: Objection to form.

9 Asked and answered.

10 THE WITNESS: Totally agree.

11 BY MR. MACDONALD:

12 Q. That wasn't asked and answered. I
13 haven't asked as assistant principal.

14 A. I told you already my opinion and
15 attested to my answers regardless of title of --
16 my actions -- per my actions. So, what I said
17 was that my actions were absolutely appropriate.

18 Q. And were your findings as part of the
19 investigation that you alleged you conducted,
20 were those findings documented anywhere?

21 A. I don't understand. Like on a form?

22 Q. Are there any documents in existence
23 that you're aware of that show the investigative
24 findings that you reached?

25 A. That would be a question for Ms. Bello.

1 Q. Why do you believe Ms. Bello would know
2 about those documents?

3 A. Because I know I did not fill out any
4 document. So, if documents exist or if documents
5 were present or completed, I know that I did not.
6 So I can speak and attest to my own doings. I
7 did not fill out any documents besides the
8 reports that I know that I have seen, which is
9 the incident report.

10 MR. MACDONALD: Okay. Well, those
11 are all the questions I have for you
12 today, and I want to thank you for your
13 time. And counsel for AcadeMir may have
14 some questions for you, but that's all I
15 have.

16 MS. KARRON: I have no questions.
17 And we'll waive reading. Thank you for
18 your time, Ms. Valladares.

19 (Reading and signing were waived.)

20 (Thereupon, the taking of the
21 deposition was concluded at 3:27 p.m.)
22
23
24
25

CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, the undersigned Notary Public, in and
for the State of Florida, hereby certify that
MELISSA VALLADARES personally appeared before me
on May 15, 2024, and was duly sworn by me.

WITNESS my hand and official seal this
15th day of May, 2024.

Katiana Louis

KATIANA LOUIS
Notary Public-State of Florida
COMMISSION #HH 443618
EXPIRES September 13, 2027

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, KATIANA LOUIS, do hereby certify that
I was authorized to and did stenographically
report the foregoing deposition; and that the
transcript is a true and correct transcription of
the testimony given by the witness.

I further certify that I am not a
relative, employee, attorney or counsel of any of
the parties, nor am I a relative or employee of
any of the parties' attorney or counsel connected
with the action, nor am I financially interested
in the action.

Dated this 15th day of May, 2024.

Katiana Louis
KATIANA LOUIS